



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

NOV 3 2000

Ms. Sheri Adams
Lilly Industries, Inc. Moline
5400 23rd Avenue
Moline, IL 61265

Ref. No. 00-0236

Dear Ms. Adams:

This is in response to your letter of August 21, 2000 requesting clarification of the packaging provisions for paint shipped in 5 L (1 gallon) containers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked what constitutes a "strong outer packaging," whether you are excepted from required use of UN performance packaging under the requirements in § 173.173(b)(2), and whether a UN performance packaging may be used if the total weight of the package exceeds the maximum gross mass marked on the UN packaging.

A "strong outer packaging" or "strong outside container" (i.e., non-specification packaging) is defined in § 171.8 and means the outermost enclosure which provides protection against the unintentional release of its contents under conditions normally incident to transportation. Non-specification packages are authorized for use under § 173.173(b)(2), and are not required to meet the requirements of Part 178. Packages prepared in accordance with this section must meet the general requirements for packagings under §§ 173.24 and 173.24a.

When using a UN packaging as a non-specification packaging you are not required to comply with the maximum gross mass marking on the packaging. However, you may want to obscure the UN markings to avoid confusion on the part of cargo acceptance or enforcement personnel.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



00-0236

173.173



Lilly Industries, Inc.

Engrum
8173.173(b)(2)
Packaging

00-0236

August 21, 2000

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
USDOT/RSPA (DHM10)
400 7th Street Southwest
Washington, D.C. 20590

Dear Mr. Mazzullo,

I am requesting written clarification and verification with regard to several questions related to UN-performance packaging for paint.

The first questions relate to the exemption provided for paint. 49 CFR 173.173(b)(2) states that paint shipped in metal packaging of not over 1 gallon each, packed in a strong outer packaging are exempt if packages conform to subpart B requirements. We are shipping paint in 1 gallon containers that meet subpart B requirements. The questions are: what constitutes a "strong outer packaging" and are we indeed exempt from having UN-performance packaging per 49 CFR 173.173(b)(2)?

The next question is related to the UN-performance packaging specifications. Can UN-performance packaging be used even if the total weight of the container slightly exceed the marked/tested weight of the outer box?

I have enclosed a telephone log from a conversation an individual at our corporate office had with Liz at the USDOT Hazardous Materials Information Line. At this time I am requesting written verification and clarification to these questions.

If you have any questions or need further information, please do not hesitate to contact me at 309-762-7546. Thank you.

Sincerely,

Sheri Adams
Compliance Manager
Lilly Industries, Inc. Moline

Enclosure